

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Smt G.Vijaya Prabha, W/o .Suresh, Teacher, GP School ,Gadwal, Mahabubnagar District against the Proceedings of the Collector and District Magistrate, Mahabubnagar – On cancellation of Caste Certificate – Appeal allowed – Orders – Issued.

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BACKWARD CLASSES WELFRARE (C1) DEPARTMENT

G.O.Ms.No. 28

Dated:12-5-2009

Read the following:

- Ref:- 1) Proceedings of the Collector and District Magistrate, Mahabubnagar, No. C2/2302/02, Dt-7-8-2008.  
2) From Smt. G. Vijaya Prabha, Appeal Petition dt. 25-08-2008.  
3) Memo.No.4125 /C1/2008-1, Dt.12 -9-08,Dt.3-11-2008.  
4) From the Collector & District Magistrate, Mahabubnagar, Lr.No.C2/2302/2002, dt:1710.2008  
5) Govt., Memo.No.4125 /C1/2008-2 & 3, Dt.12- 2-2009 & 2.3.2009  
6) Govt., Memo.No.4125/C1/2008-4, dt:2.3.2009  
7) From the Director BC Welfare, Lr.Rc.No.E1/916/2009 dt:9.3.2009.

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**ORDER:**

1. The BC-A Group Un-Employees Union, Gadwal Mandal have submitted a representation stating that Smt.Vijaya Prabha, R/o Gadwal has obtained false BC-A (Besta) Caste certificate and appeared in DSC-2001 and got selected.

2. On receipt of the above complaint, the Collector& District Magistrate, Mahabubnagar had requested the Revenue Divisional Officer, Gadwal for verification and to offer their remarks and offer the opinion of the DLSC in the matter. The Revenue Divisional Officer,Gadwal and the Asst.Director, Fisheries enquired in to the matter and submitted their report to the District Collector,Mahabubnagar .

3. The District Level Scrutiny Committee has opined that Smt. G. Vijaya Prabha W/o. Suresh Babu R/o. Gadwal did not belong to Bestha (BC-A) caste and she obtained false (BC-A) caste certificate from Tahsildar, Gadwal suppressing the facts.

4. After receiving the report from the RDO, Gadwal and based on the opinion from the DLSC, the District Collector, Mahabubnagar has cancelled the BC-A Caste certificate obtained from the MRO, Gadwal, Mahabubnagar District in favor of Smt.G.Vijaya Prabha, W/o Suresh, Gadwal.

5. Aggrieved by the orders of the District Collector, Mahabubnagar, in the proceedings 1<sup>st</sup>read above, Smt G.Vijaya Prabha, W/o .Suresh, Teacher, GPSchool ,Gadwal, Mahabubnagar District in the reference 2<sup>nd</sup> read above, has filed an Appeal petition before the Government on 25.8.2008 under Rule 11 of the AP SCs,STs & BCs Issue of the community, Nativity & date of Birth Certificate Rules,1977, and requested to suspend the orders passed by the District Collector, Mahabubnagar District , pending disposal of the Appeal Petition and pass such other suitable order or orders in the circumstances of the case.

p.t.o

6. The Appeal Petition filed by Smt.Vijaya Prabha in the reference 2<sup>nd</sup> read above was taken on file on 5.9.2008 and called for the records in the reference 3<sup>rd</sup> read above.

7. In the reference 4<sup>th</sup> read above, the Collector & District Magistrate, Mahabubnagar has furnished the connected records along with para-wise remarks.

8. The appellant in her appeal petition has submitted the following grounds supporting her caste claim:-

- a) The impugned order of Collector & District Magistrate is illegal, improper, unjust, arbitrary and violative of principles of natural justice.
- b) The Collector & District Magistrate failed to see that the Assistant Director of Fisheries, Mahabubnagar District without providing any opportunity or calling her for enquiry, submitted a report behind her back to the first respondent which is contrary to the Judgment of the Hon'ble High Court reported in 2003 (6) ALT page 133 wherein the Hon'ble High Court held that without an enquiry has been conducted by the authority and submitted a report which goes against the interest of the individual. The enquiry authority has to furnish such report after providing an opportunity to the individual or else, it would amounts to violation of principles of natural justice. On that short ground, the impugned order of the Collector & District Magistrate is liable to be set aside as the Assistant Director of Fisheries, Mahabubnagar District did not provide any opportunity to the appellant herein.
- c) The Collector & District Magistrate failed to see that the Rules 5 and 9 of the A.P. (S.C. S.T & B.Cs) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997 has not been followed while conducting verification by the concerned authorities.
- d) The Collector & District Magistrate failed to see that the report of the Revenue Divisional Officer, Mahabubnagar is very clear and elaborate which clearly shows that the certificate issued by the revenue authorities in favour of the appellant herein is a genuine one and she belongs to BC-A community.
- e) The Collector & District Magistrate failed to issue a show cause notice basing on the report submitted by the Assistant Director of Fisheries, Mahabubnagar District before taking into consideration nor a copy of the report should have been supplied to the appellant herein so that she could have submitted her objections to the enquiry report.
- f) The Collector & District Magistrate failed to see that the Assistant Director of Fisheries, Mahabubnagar District is not the competent authority to say anything on the caste certificate issued by the competent authority under the Act 16 of 1993 or the rules framed there under and relying on the said report, cancelling the caste certificate of the appellant is bad in law.
- g) The Collector & District Magistrate, Mahabubnagar and the District Level Scrutiny Committee failed to consider the entire material placed by the appellant herein to establish that she belongs to BC-A community and

all the Caste Certificates obtained by her family members have been placed before the Collector & District Magistrate, Mahabubnagar and the District Level Scrutiny Committee but the same have not been taken into consideration.

- h) The Collector & District Magistrate failed to see that the appellant is a genuine BC-A community person and her caste certificate cannot be cancelled at the instance of some third parties.
- i) The Collector & District Magistrate failed to see that even without verifying the proper facts, the Revenue Divisional Officer, Mahabubnagar recorded a finding that the appellant's third sister one Smt. Anuradha married with one A. Vijaya Simha is factually incorrect.
- j) The Collector & District Magistrate cancelled the Caste Certificate of the appellant herein simply based on the report submitted by the Assistant Director of Fisheries, Mahabubnagar District wherein it was stated that to surnames of the petitioner does not tally with the other surnames which is factually incorrect.

9. Therefore she prayed that the Hon'ble Authority to set aside the Order & notification on the file of the District Collector, Mahabubnagar, No.C2/2302/02, Dt: 7.8.2008, in the interests of justice, and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

10. In the reference 6<sup>th</sup> read above, the Director, BC Welfare was instructed to depute Assistant Director, BC Welfare to conduct a detailed enquiry into the facts of the case and furnish his report and to appraise the case at the time of hearing on 6.3.2009 at 12:30 pm.

11. In the reference 7<sup>th</sup> read above, Assistant Director, BC Welfare has submitted his enquiry report stating that nothing was brought before him during his enquiry to prove that she does not belong to Gangaputra caste.

12. The Appeal Petitioner viz., Smt.G.Vijaya Prabha was requested to attend the hearing on 17.2.2009, 6.3.2009, before the Government in person or through her Counsel in the Govt., Memo 5<sup>th</sup> read above.

13. Finally the hearing was conducted at 12:30 Noon on 6.3.2009 in the chambers of Hon'ble Minister for B.C.Welfare. The petitioner Smt.Vijaya Prabha, along with her counsel, the Joint Director, Deputy Director, and also concerned staff of the Directorate were present at the time of the hearing.

14. The counsel for the petitioner strongly refuted the allegation that the petitioner does not belong to 'Gangaputra/Bestha' community. He submitted that petitioner married the person belonging to "Mudiraj", which is an inter caste marriage, but her ancestors belong to Gangaputra/ Bestha community and produced all the documentary evidence and requested to pass orders as deemed fit.

15. The petitioner, Smt.Vijaya Prabha has submitted that she belongs to 'Gangaputra/Bestha' community and all of her family members also belongs to 'Gangaputra/Bestha' community. She informed that her marriage with Suresh, a teacher, is a love marriage. Her husband belongs to "Mudiraj" community and

their marriage is an inter-caste marriage. She submitted that her own grand mother Smt.Narasamma, who used to sell “fish” was very famous in her area and she was called as “Chepala Narasamma” .She has requested to squash the orders of the District Collector, Mahabubnagar. She also informed that their names have not been registered with the Fisherman Co-operative Society. The District Collector, Mahabubnagar is of the wrong opinion that she does not belong to ‘Gangaputra/ Bestha’ community on this sole ground. She also urged that there are several people belonging to Gangaputra/ Bestha community who have not registered their names with the Fisherman Co-operative Society.

16. The Asst., Director, BC Welfare who enquired personally into the matter has stated that Smt.Vijaya Prabha, S.G.Teacher belongs to ‘Gangaputra/Bestha’ community and quoted substantive evidence. He has also stated that the grandmother of Smt.Vijaya Prabha, was very famous in that area and she was called as “Chepala Narasamma” who was a fish vendor.

17. Government after careful examination of the entire matter hereby allow the appeal petition filed by Smt.Vijaya Prabha and in exercise of the powers conferred under Section 7(2) of A.P. (SCs, STs and BCs) Regulation of issue of Community Certificates Act, 1993, and Rules, 1997, the Proceedings of the District Collector, Mahabubnagar District, dated 7.8.2008, are here by squashed.

18. The original records (containing CF 346 and NF 22 pages) received through the reference 4<sup>th</sup> read above are returned herewith to the District Collector, Mahabubnagar District and the receipt of the same may be acknowledged.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**T.SATYANARAYANA RAO  
SECRETARY TO GOVERNMENT**

To:  
Smt G.Vijaya Prabha, W/o .Suresh, Teacher, GP School, Gadwal,  
Mahabubnagar District  
The Collector& District Magistrate, Mahabubnagar  
The Director, B.C.Welfare, Hyderabad.  
The P.S. to M (BCW)  
SF/SC

//Forwarded by order//

Section Officer